

REMARKS/ARGUMENTS

1.) Claim Amendments

Claims 81-116 and 128-156 are pending in the application. The Applicants have amended claims 81-85, 88, 89, 92, 93, 96-105, 107-115, and 128-156. Claims 1-80 were previously canceled, and the Applicants have canceled claims 117-127 herein. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Examiner Objections - Claims

Claims 82, 84, 89, 99, 100, 102, 136, 145, and 150 were objected to because of a number of abbreviations that were not spelled out in the claims. The Applicants have amended the claims to define the abbreviations. Withdrawal of the objections is respectfully requested.

3.) Claim Rejections – 35 U.S.C. § 112, second paragraph

The Examiner rejected claim 109 as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. The limitation “the delay attribute” lacked antecedent basis. The Applicants have amended claim 109 to recite “a delay attribute”. Therefore, withdrawal of the rejection is respectfully requested.

4.) Claim Rejections – 35 U.S.C. § 102(e)

The Examiner rejected claims 81, 94, 95, 97-99, 103-106, 117, 118, 128, 129, 137, 139, 140, 146, 147, 150, 151, and 156 as being anticipated by Yi, *et al.* (U.S. Patent No. 7,356,146). The Applicants have canceled claims 117 and 118. The remaining claims have been amended to better distinguish the claimed invention from Yi. The Examiner's consideration of the amended claims is respectfully requested.

The Applicants claimed invention, as recited in amended claim 81, is directed to a method of changing base stations from a source base station to a target base station, wherein the source base station is in communication with a source core network support node, and the target base station is in communication with a target core network

support node. The source base station transfers packet switched communications between a mobile station and the source core network support node. The source core network support node maintains sequence number information for packets communicated to and from the mobile station, and forwards the maintained sequence number information to the target core network support node during the base station change. The base station change is of a lossless type allowing lossless base station change of packet switched communications in unacknowledged mode between a mobile station and the core network support nodes.

The Examiner cites Yi columns 17 and 27-28 for showing the claimed invention. However, Yi describes a process performed by source and target Radio Network Controllers (RNCs) which, of course, are located in the radio access network, not the core network. The Applicants have amended claim 81 to clarify that the claimed support nodes are core network support nodes. Basis is found on page 11, lines 7-21 of the Applicants' PCT specification, which discloses source and target SGSNs. There is no disclosure or suggestion in Yi of performing the claimed method utilizing core network support nodes. Therefore, the allowance of amended claim 81 is respectfully requested.

Claims 94, 95, 97-99, and 103-106 depend from amended claim 81 and recite further limitations in combination with the novel elements of claim 81. Therefore, the allowance of claims 94, 95, 97-99, and 103-106 is respectfully requested.

Claims 117 and 118 have been canceled.

Independent claim 128 has been amended to recite a core network support node in a packet switched communications system. The core network support node includes processing means operating according to one or more protocols for receiving protocol data units, the processing means extracting information for the core network support node to inform a mobile station of next expected uplink protocol data unit in association with packet switched base station change in unacknowledged mode of the at least one mobile station.

The Applicants respectfully submit that Yi does not disclose or suggest such a core network support node. Therefore, the allowance of amended claim 128 is respectfully requested.

Independent claim 129 has been amended to recite a core network support node that includes processing means operating according to one or more protocols for transferring protocol data units; and a receiver for receiving informing from at least one mobile station on a next expected downlink protocol data unit in association with packet switched handover to allow lossless base station change in unacknowledged mode of packet switched communications.

The Applicants respectfully submit that Yi does not disclose or suggest such a core network support node. Therefore, the allowance of amended claim 129 is respectfully requested.

Claims 137, 139, 140, 146, 147, and 150 depend from amended claim 129 and recite further limitations in combination with the novel elements of claim 129. Therefore, the allowance of claims 137, 139, 140, 146, 147, and 150 is respectfully requested.

Independent claim 151 has been amended to recite a source base station entity in a packet switched communications system having at least one core network support node for communications involving at least one mobile station. The base station entity includes receive means, transmit means, and buffer means. The buffer means buffers downlink protocol data units, the buffer means being emptied of protocol data units destined for the at least one mobile station, the protocol data units being transmitted by the transmit means upon the receive means receiving a command of packet switched base station change in unacknowledged mode, as regards the one mobile station, from the at least one core network support node.

The Applicants respectfully submit that Yi does not disclose or suggest such a source base station entity that performs the recited functions upon receiving such a command from a core network support node. Therefore, the allowance of amended claim 151 is respectfully requested.

Claim 156 depends from amended claim 151 and recites further limitations in combination with the novel elements of claim 151. Therefore, the allowance of claim 156 is respectfully requested.

5.) Claim Rejections – 35 U.S.C. § 103(a)

The Examiner rejected claims 82-93, 96, 130-136, and 152-155 under 35 U.S.C. § 103(a) as being unpatentable over Yi, *et al.* (U.S. Patent No. 7,356,146) in view of Heden (U.S. Patent Publication No. 2006/0165027). The Applicants respectfully disagree.

Heden is commonly owned with the instant application, and the Applicants respectfully submit Heden is disqualified as prior art for obviousness rejections under 35 U.S.C. § 103(c). MPEP 706.02(I)(1) states:

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention “were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” This change to 35 U.S.C. 103(c) applies to all utility, design, and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution applications filed under 37 CFR 1.53(d), and reissues.

The instant application was originally filed as International Application No. PCT/SE2005/000108 on January 28, 2005, claiming priority to Swedish Patent Application No. 0400163-2 filed January 28, 2004. Thus, the application was filed after November 29, 1999.

Heden was filed prior to the instant application, but published after the instant application was filed, and therefore is a § 102(e) type of reference.

The instant application and Heden were, at the time the invention was made, all owned by the same entity – Telefonaktiebolaget LM Ericsson. The ownership of Heden is shown in an assignment recorded with the U.S. Patent and Trademark Office at reel 026681, frame 0272. The ownership of the instant application is shown in an assignment recorded with the U.S. Patent and Trademark Office at reel 021244, frame 0007.

As a result, all of the requirements of 35 U.S.C. 103(c) have been met, and Heden is disqualified as prior art references in the instant application. Therefore, the

Applicants respectfully request the withdrawal of the rejection and the allowance of claims 82-93, 96, 130-136, and 152-155.

The Examiner rejected claims 100-102, 107, 108, 113-115, 119-124, 126, 127, 138, 141-144, 148, and 149 under 35 U.S.C. § 103(a) as being unpatentable over Yi in view of Puuskari (US 6,728,208). The Applicants respectfully submit that the amendments to the independent claims discussed above also distinguish the claimed invention from the combination of Yi and Puuskari. Like Yi, Puuskari also fails to disclose or suggest a base station change of a lossless type with packet switched communications in unacknowledged mode between a mobile station and core network support nodes, wherein a source core network support node maintains sequence number information for packets communicated to and from the mobile station, and forwards the maintained sequence number information to a target core network support node during the base station change. Therefore, withdrawal of the rejection and the allowance of claims 100-102, 107, 108, 113-115, 119-124, 126, 127, 138, 141-144, 148, and 149 are respectfully requested.

The Examiner rejected claims 109-112 and 145 under 35 U.S.C. § 103(a) as being unpatentable over Yi and Puuskari as applied to claims 81, 107, 117, 119, 124, 128, 141 and 144 above, and further in view of Golitschek, *et al.* (U.S. Patent Publication No. 2006/0062167). The Applicants respectfully submit that the amendments to the independent claims discussed above also distinguish the claimed invention from the combination of Yi, Puuskari, and Golitschek. Like Yi and Puuskari, Golitschek also fails to disclose or suggest a base station change of a lossless type with packet switched communications in unacknowledged mode between a mobile station and core network support nodes, wherein a source core network support node maintains sequence number information for packets communicated to and from the mobile station, and forwards the maintained sequence number information to a target core network support node during the base station change. Therefore, withdrawal of the rejection and the allowance of claims 109-112 and 145 are respectfully requested.

The Examiner rejected claims 116 and 125 under 35 U.S.C. § 103(a) as being unpatentable over Yi, Puuskari and Golitschek as applied to claims 81, 107, and 117 above, and further in view of Heden (U.S. Patent Publication No. 2006/0165027). As noted above, Heden is disqualified as prior art under 35 U.S.C. 103(c). Therefore, withdrawal of the rejection and the allowance of claims 116 and 125 are respectfully requested.

6.) Prior Art Not Relied Upon

On page 43 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicants' disclosure. However, the cited references also seem to disclose solutions in which components in the radio access network perform the disclosed functions, rather than core network support nodes as claimed by the Applicants.

7.) Conclusion

In view of the foregoing amendments and remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 81-116 and 128-156.

The Applicants request a telephone interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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